

APPEAL NO. 021513  
FILED JULY 23, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 20, 2002. The hearing officer determined that because the appellant's (claimant) participation in a full-time rehabilitation program sponsored by the Texas Rehabilitation Commission (TRC) ended one-third of the way into the qualifying period, and the claimant did not thereafter document a job search in every week of the qualifying period, she had not made a good faith search for employment commensurate with her ability to work; therefore, she was not entitled to supplemental income benefits (SIBs) for her fourth quarter of eligibility. The claimant appeals the determination that she did not make a good faith search for employment. The respondent (self-insured) responds that there was no evidence that the claimant was enrolled in or participating in a full-time, TRC program after October 19, 2001, and therefore she is not entitled to SIBs because she documented no search for employment after that date.

DECISION

Reversed and rendered.

The qualifying period for the fourth quarter of SIBs began on September 27, 2001, and ended on December 26, 2001. The claimant said that she was enrolled at business school under the sponsorship of the TRC and that her schooling concluded on October 19, 2001. There is no Individualized Plan of Employment (IPE) from the TRC in evidence (such plan being required for provision of services, in accordance with Tex. Rehab. Comm'n, 40 TEX. ADMIN. CODE § 103.16(a) (Rule 103.16(a)); however, the claimant offered several letters from her counselor at TRC indicating that training and job placement were part of their services to her. There is evidence from the school she attended that they "faxed" her resume to several businesses during the first week of October 2001. The claimant testified that her TRC counselor told her that documenting her job search would not be necessary so long as he wrote a letter affirming her participation in their job placement services (which he did, on January 2, 2002). She testified that this is why she did not document her job search efforts, which consisted of working with TRC as well as her own efforts.

While the hearing officer made no findings of fact concerning the claimant's participation in a TRC-sponsored program, it is clear from reading her discussion that she accepted the evidence presented from the TRC (which did not include a copy of the IPE) as sufficient to show satisfactory participation in a full-time rehabilitation plan up to October 19, 2001, and we can imply a finding in her discussion to this effect. (Indeed, the self-insured's response to the appeal does not dispute that the claimant was enrolled and participating up to October 19, 2001).

The record sufficiently supports such an implied finding. Therefore, because the claimant was enrolled in and satisfactorily participated in a full-time, TRC-sponsored vocational rehabilitation program "during" the qualifying period, we reverse and render a decision that the claimant made a good faith search for employment in accordance with Rule 130.102(d)(2) and is entitled to SIBs for the fourth quarter. See Texas Workers' Compensation Commission Appeal No. 010483-s, decided April 20, 2001; also Texas Workers' Compensation Commission Appeal No. 011144, decided July 3, 2001.

The true corporate name of the insurance carrier is **STATE OFFICE OF RISK MANAGEMENT (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

For service in person the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR  
STATE OFFICE OF RISK MANAGEMENT  
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Susan M. Kelley  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge